

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE AS TO
	:	<u>SUBSTITUTE ASSETS</u>
DANIEL DIBIASE,	:	
	:	S1 12 Cr. 834 (ER)
Defendant.	:	
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WHEREAS, on or about February 24, 2014, DANIEL DIBIASE (the “Defendant”), was charged in a two-count Superseding Information, S1 12 Cr. 834 (ER) (the “Information”), with conspiracy to conduct the affairs of a racketeering enterprise engaged in committing robberies and interstate transportation of stolen goods, in violation of Title 18, United States Code, Section 1962(d) (Count One); and brandishing a firearm during and in relation to the racketeering conspiracy charged in Count One in the Information, in violation of Title 18, United States Code, Section 924(c) (Count Two);

WHEREAS, on or about February 24, 2014, the Defendant pled guilty to Counts One and Two of the Information pursuant to a plea agreement with the Government;

WHEREAS, on or about March 18, 2015, the Court entered a Consent Preliminary Order of Forfeiture (the “Order of Forfeiture”), imposing a money judgment against the defendant in the amount of \$2,517,997.00 (the “Money Judgment”), representing the proceeds traceable to the offense charged in Count One of the Information (D.E. 73);

WHEREAS, to date, \$2,517,997.00 of the Money Judgment against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the United States has not been able to locate, obtain or collect assets traceable to the proceeds of the Defendant's offense, despite the exercise of due diligence in investigating the assets of the Defendant;

WHEREAS, the Government has identified the following specific assets in which the Defendant has an ownership interest:

- a. 18K yellow gold sapphire diamond bracelet 11.9 DWT 11 p/ blue sapphire about 10 carats (7 x 5) 209 RFC diamond in each section about 7 carat diamond;
- b. 18K yellow gold pave heart earrings 7.9 DWT about 100 RFC diamonds in heart 12 on top about 2.25 TDW;
- c. 18K yellow gold diamond ruby earrings 7.4 DWT 3 pear shape rubies 6 pear shape total 1.8 carats about 90 RFC diamond bezel set about 2.5 TDW;
- d. 14K white gold (plated yellow) ruby ring with 12 RFC diamonds about 2.5 carats center ruby about 5 carats 12.58 x 11.82mm x 6.7mm 5.5 DWT;
- e. 18K yellow gold sapphire diamond dangle earrings 6.9 DWT each containing about 120 RFC diamonds 2 1/3 TDW each containing 3 pear shape about 5 carats;
- f. 18K yellow gold oval ruby and diamond earrings each containing 3 rubilites (7mm x 5mm; 6mm x 8mm; 3mm x 5mm) about 2.5 carat rubilite 39 RFC diamond 78 about 2 TDW;
- g. 14K yellow gold ruby and diamond tennis bracelet 7.5 DWT 21 FGC diamonds about 2.10 TDW 21 ruby about 2.5 carats;
- h. 18K yellow gold diamond heart pendant 13.4 DWT 310 RFC diamond about 4.65 carats plus 25 about .75 carats and about 5.5 TDW;
- i. 14K beach baroque graduated pearls;
- j. 14K CZ 2.5 DWT ring;

- k. 14K gold bangle bracelet 12 DWT about 190 RFC diamond about 5 TDW;
- l. 14K hoop earrings 2.8 DWT;
- m. 14K white gold sapphire clasp on 6mm x 6.5mm cultured pearls;
- n. 14k yellow gold 11.4 DWT (Yurman style) ring with green amethyst;
- o. 14k gold hoop earrings 5.1 DWT;
- p. 14K gold Colombian emerald cut emerald 7mm x 5mm emerald cut ring 4.8 DWT with 2 square diamond about 60 pts 18 RFC diamond about 10 straight/tapered baguettes about 30 pts;
- q. Tiffany sterling silver dangle earrings 4.7 DWT;
- r. 14K white gold clasp with natural 3mm pearls 22"-24";
- s. 18K white gold 5 circle pendant about 140 RFC diamond about 2.25 carat 7.7 DWT;
- t. 14K yellow gold hoop earrings 1.5 DWT;
- u. 14K gold diamond ring .20pt pear shape diamond .40pt. marquis and .20 pt. pear shape emerald and 6 RFC diamond about 30 pts 5.8 DWT;
- v. 14K hoop cz earrings 1.8 DWT;
- w. 18K gold 7mm x 5mm pear shape emerald about 1 carat 2nd emeralds about 20pt. TW 18 RFC diamond about 3.4 carat 3.2 DWT;
- x. 14K gold pink quartz ring 1.9 DWT;
- y. 14K gold earrings 0.06 DWT;
- z. 14k yellow gold "ballerina" style ring 10 mm x 7mm pear shape Colombian emerald and 40 baguette diamond about 1.25 carat 2.7 DWT;
- aa. ½ pear 14K gold earring 0.04 DWT;
- bb. ½ pear 14K gold earring 0.07 DWT;

- cc. ½ pear 14K gold earring 0.08 DWT
- dd. ½ pear 14K gold earring 0.08 DWT;
- ee. Signed Pete Rose Baseball;
- ff. 14K yellow gold princess cut ruby heart pendant about 5 carats princess cut rubies and ½ carats diamond 11.3 DWT;
- gg. 14K broken chain 0.9 DWT;
- hh. Earring backs 1 piece 18K 0.06 DWT;
- ii. One piece 14K 0.03 DWT;
- jj. 18K yellow gold Ladies Omega watch 39/8 DWT 36 single cut diamond set in diamond bezel about ¾ carats;
- kk. 18K yellow gold pear shape Columbian emerald ring about 2 carats 16 marquise diamond about 1 ¼ carat 13 straight baguettes about 1.3 carat TDW 5.8 DWT;
- ll. 14K gold Gents invisibly set princess cut ring 13.3 DWT;
- mm. 14K yellow gold ring with 6 straight sapphire baguettes and 18 RFC diamond channel set 10.6 DWT;
- nn. 14K yellow gold chain with grey pearl;
- oo. 6.7 oz S/S Kiddush cup;
- pp. 14K yellow gold 5mm cultured pearls;
- qq. 14K yellow gold diamond stud earrings about 0.80 DTW;
- rr. 14K gold emerald and diamond necklace 23 oval emerald about 6 carats and about 6 carat diamond 25.7 DWT;
- ss. 14K gold bracelet 16 oval emerald about 12 carats and RFC diamond about 9 carats 16.8 DWT;
- tt. 18K yellow gold bracelet 12 rose cut diamond about 1.75 carat and 225 RFC diamond about 4 ¼ carat 11.5 DWT;

- uu. 14K yellow gold ballerina style ring with blue semi-precious pear shape stones about 5 carats and 36 tapered baguettes about 3 carats 5.8 DWT;
- vv. 18K gold diamond ring center marquise 9mm x 5mm about 1 carat 1 marquise each side 2 about 1 carat (50 pts each) and 4 tapered baguettes about 40 pts. 5.8 DWT;
- ww. 14K gold sapphire diamond ring center oval sapphire 12 RFC diamond about 36pts 5.1 DWT;
- xx. 18K yellow gold diamond ring about 2 carats TDW 5.0 DWT;
- yy. 14K gold diamond ring 43 RFC diamond about 1 ¼ carat 5.2 DWT;
- zz. 14K gold diamond ring 30 RFC diamond about 60 pt 4.8 DWT;
- aaa. Ladies 18K yellow gold “Rolex” oyster band aftermarket diamond bezel about 2 carats;
- bbb. S/S spoon 12 DWT;
- ccc. 14K yellow gold crucifix 1 DWT;
- ddd. 14K treated black bead necklace with pearl;
- eee. 14K yellow gold bezel set RBC diamond about 45pt 12.7 DWT;
- fff. 14K white gold clasp with 5mm pearls;
- ggg. 14K yellow gold “V” necklace 14 RFC diamond about 30 pts. TDW 5.9 DWT;
- hhh. 14K yellow gold earrings 2.3 DWT;
- iii. 14K gold hart necklace 4.2 DWT;
- jjj. 14K gold rose quartz flower pendant 3 RFC diamond about 0.3 carat;
- kkk. 14K white gold diamond heart pendant with Chatham ruby about 1.2 carat and 18 RFC diamond about 3.4 carat 1.90 DWT;
- lll. 18K two tone diamond pendant about 4 ¼ carat 10.3 DWT;
- mmm. ½ pair 14K gold earring 0.7 DWT;

- nnn. 14K gold earrings 0.08 DWT;
- ooo. 14k yellow gold crucifix 2.1 DWT
- ppp. 14K two tone earrings 1.4 DWT;
- qqq. 14K white gold earrings 1.8 DWT;
- rrr. 18K white gold black and white diamond butterfly pin containing about 1.75 carats RFC diamond and 1.75 carats black treated diamond 5.2 DWT;
- sss. Susan B. Anthony coin;
- ttt. 14K piece of chain 0.03 DWT;
- uuu. 14K yellow gold chain 4.3 DWT;
- vvv. 14K rose gold chain 3.3 DWT;
- www. 14K yellow gold citrine earrings 3.3 DWT;
- xxx. 14K yellow gold crucifix and chain 1.3 DWT;
- yyy. 18K yellow gold multi chain with diamond heart about 1 carat RFC diamond 24.9 DWT;
- zzz. 14K yellow gold dangle earrings about 1 carat single cut diamond 5.1 DWT;
- aaaa. 18K yellow gold three circle dangle earrings about 3.5 carats TDW 3.7 DWT;
- bbbb. 18K yellow gold diamond bracelet containing 288 RFC diamond about 6 carat 16.6 DWT;
- cccc. 14k yellow gold ring with three pearls and 16 single cut diamond about 0.03 carat 5 DWT;
- dddd. 18K yellow gold sun pendant on chain 10 DWT with 33 cz stones;
- eeee. 14Ky yellow gold chain and pendant 9.8 DWT;

- ffff. 18K yellow gold wheat chain 11.7 DWT;
- gggg. 14K yellow gold fleurette style pendant with black onyx 12 RFC diamond about ¼ carat TDW 12.5 DWT;
- hhhh. 14K white mop earrings 7.2 DWT;
- iiii. 18K yellow gold chain with 8 RFC diamond about 40 pts. 18.9 DWT;
- jjjj. 14K yellow gold chain 4.5 DWT;
- kkkk. 14K yellow gold bangle bracelet 7 DWT;
- llll. 14K white gold foxtail chain 4.7 DWT;
- mmmm. 18K two tone gold bezel set bracelet 68 RFC diamond about 2 carat 4 DWT;
- nnnn. 18K white gold ½ pair black earring with 8 RFC diamond about 4 pts. 2.8 DWT;
- oooo. 18K yellow gold choker necklace containing 19 sections, each section containing 7mm x 5 mm blue sapphire about 14 carat total sapphire and 12 RFC diamond about 20 pts. 7 carat TDW;
- pppp. 18K yellow gold Colombian 9 mm x 7 mm emerald cut emerald ring with 92 RFC diamond about 4 ½ carat 7.9 DWT;
- qqqq. Gents Gorgio Emporio ceramic watch; and
- rrrr. 18K yellow gold oval emerald and diamond earring each containing 2 oval emeralds (10 mm x 7 mm; 8 mm x 6 mm) and 42 RFC diamond TDW 4 carat.

(a. through rrr., collectively, the “Substitute Assets”);

WHEREAS, the Government is seeking the forfeiture of all of the Defendant’s right, title and interest in the Substitute Assets.

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title and interest in the Substitute Assets is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Assets and to keep them in its secure, custody and control.

3. Upon entry of a Final Order of Forfeiture, the Substitute Assets shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Assets and any additional facts

supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the defendant, known to have an alleged interest in the Substitute Assets, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: New York, New York
March 12, 2025

SO ORDERED:

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written over a horizontal line.

HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE